

REMARKS

Claims 1-22 are pending in the application. Claims 1, 2, and 4 are amended for clarity, and claims 23 and 24 are newly presented. Applicant respectfully requests reconsideration and allowance in view of the above amendments and the following remarks.

Claims 1-4 and 6-8 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by King, U.S. 4,070,147. (Claim 1 is independent; claims 2-4 and 6-8 all depend directly or indirectly from claim 1.) Applicant respectfully traverses this rejection.

According to the Office Action, King discloses an epaulette with a first part 40 and a second part 20, with the first part 40 allegedly securable to a garment with a lower portion thereof in a first position and the second part 20 allegedly securable to the garment at a second position that is laterally inward of the first position. Applicant respectfully refutes this interpretation of what King discloses. In particular, all King discloses is a clamshell-type clip, with upper and lower “halves” 40 and 20. The clip is secured to the garment by only one of those halves – namely, the lower half 20 – and that securing is at a single location only.

In the claimed invention, in contrast, and as clarified by the present amendment to independent claim 1, both of the first and second parts are adapted to be secured to the garment by respective distal portions thereof, at respective first and second locations. (As elucidated by new claims 23 and 24, the connection between the distal portion of the first part and the garment can be direct (claim 23) or indirect, i.e., via a third part (claim 24).) Because of this two-point fastening arrangement with the hinge located between the distal portions by means of which the first and second parts are secured to a garment, the geometry of an epaulette according to the invention can be modified to adapt the epaulette to different shoulder geometries as illustrated, for example, in Figure 4 of the application. Because, in contrast, the clip in King is secured to the garment by just a single point of contact – and in particular because that single point of contact is at a mid-portion of one of the two parts of the clip and not an end thereof – there is no way to adjust the geometry of the King clip relative to the garment or the shoulder of the wearer. Accordingly, Applicant submits that King does not anticipate the claimed invention and respectfully requests that the rejection be withdrawn.

Allowable Subject Matter

Claims 5 and 9-22 are objected to as depending on a rejected base claim but are otherwise indicated to be directed to allowable subject matter. In view of the foregoing, however, Applicant submits that all claims are in condition for allowance, and timely Notice to that effect is respectfully requested.

Respectfully submitted,

The image shows two handwritten signatures. The first signature on the left appears to be "KENNETH M." and the second signature on the right appears to be "FAGIN".

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Date: May 8, 2007